



PLANNING COMMISSION AGENDA REPORT

VII. I

MEETING DATE: MAY 26, 2009

ITEM NUMBER:

SUBJECT: TIME EXTENSION FOR PLANNING APPLICATION PA-07-42
151 EAST 19TH STREET

DATE: MAY 14, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714-754-5136

DESCRIPTION

The property owner is requesting an extension of time for a design review to construct two, two-story condominium units.

APPLICANT

Naldo Cabanillas is the project architect and authorized agent for property owner Jennifer Bigger.

PROJECT CONSULTANT

Naldo Cabanillas of Cabanillas Threlkeld & Associates.

RECOMMENDATION

Approve the time extension to be valid to December 10, 2009 by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Development Services Director

BACKGROUND

The property is located in the City's Eastside, on the southeast corner of East 19th Street and Fullerton Avenue. It is zoned R2-HD (Multiple Family Residential – High Density) and has a General Plan designation of High Density Residential. The applicant proposes to demolish the existing single-family residence and construct two, two-story condominium units on the property.

On December 10, 2007, Planning Commission on a 5-0 vote approved Design Review PA-07-42 for the construction of the condominium units.

The Planning staff report and meeting minutes for the design review can be viewed on the City's website at the links below:

PA-07-42 Report

<http://www.ci.costa-mesa.ca.us/council/planning/2007-12-10/121007PA0742.pdf>

PA-07-42 Minutes

http://www.ci.costa-mesa.ca.us/council/planning/pm_071210.pdf

ANALYSIS

The project consists of two, two-story detached condominium units that do not satisfy the Residential Design Guidelines with respect to second-to-first floor ratio (80 percent recommended; 86 percent for Unit A and 88 percent for Unit B proposed) and second floor interior side setbacks (10-foot average recommended; 8-foot average proposed). However, Commission determined that the project provides architectural interest and is compatible with the neighborhood.

A recorded parcel map is required prior to the issuance of building permits for the condominium units. However, due to economic conditions, the applicant has not applied for a parcel map and, as a result, cannot obtain building permits prior to the expiration of the design review approval. Since applicable Code sections and residential design guidelines have not changed since Commission's approval of the design review, staff recommends approval of the time extension.

The applicant applied for the time extension prior to the expiration, but the application was not complete until April, therefore, the extension approval would be valid to December 10, 2009.

ALTERNATIVES

If the time extension is denied, the design review approval will expire and the project may not be constructed as proposed. The applicant could not file a similar request for six months.

CONCLUSION

Approval of the time extension would allow the applicant additional time to file the parcel map application so that building permits may be issued once the map is approved and recorded. Therefore, staff supports the time extension.

Attachments: 1 Planning Commission Approval Resolution
 2 Planning Commission Denial Resolution
 3 Applicant's Time Extension Request Letter
 4 Location Map
 5 Plans

cc: Acting Development Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Naldo Cabanillas
2756 Tern Circle
Costa Mesa, CA 92626

Jennifer Bigger
151 E. 19th Street
Costa Mesa, CA 92627

File: 052609PA0742TimeExt.	Date: 051409	Time: 8:15 a.m.
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ATTACHMENT 1

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING AN EXTENSION OF TIME FOR PLANNING APPLICATION PA-07-42

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, Planning Application PA-07-42 is a design review for a two-story,
two-unit condominium project at 151 East 19th Street, in the R2-HD zone;

WHEREAS, on December 10, 2008, Planning Commission approved PA-07-42
by adoption of Resolution No. PC-07-89, attached hereto as Exhibit "1";

WHEREAS, a time extension request for PA-07-42 was filed by Naldo Cabanillas
of Cabanillas Threlkeld & Associates, authorized agent for property owner Jennifer
Bigger;

WHEREAS, a duly noticed public hearing was held by the Planning Commission
on May 26, 2009 to consider the time extension request;

WHEREAS, the time extension does not change the previously-adopted findings
and conditions of approval for Planning Application PA-07-42, as specified in Exhibits
"A" and "B" respectively, of Resolution No. PC-07-89. These findings and conditions of
approval in their entirety are still applicable to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning
Commission hereby **APPROVES** an extension of time for Planning Application PA-07-
42 to **December 10, 2009** with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does
hereby find and determine that adoption of this Resolution is expressly predicated upon
the activity as described in the staff report for Planning Application PA-07-42. This
action is also based on the evidence in the record and findings and subject to the
applicant's compliance with each and all of the conditions as specified in Resolution No.
PC-07-89.

PASSED AND ADOPTED this 26th day of May 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

RESOLUTION NO. PC-07-89

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-42**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

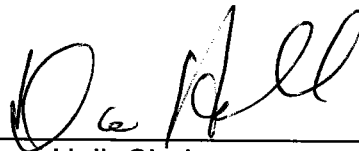
WHEREAS, an application was filed by Naldo Cabanillas, representing Paul Garcia owner of real property located at 151 East 19th Street, requesting approval of a design review to construct a two-unit, two-story residential common interest development project that does not satisfy the City's Residential Design Guidelines, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 10, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-07-42 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-42 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of December, 2007.



Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 10, 2007, by the following votes:

AYES: COMMISSIONERS: HALL, FISLER, CLARK, EGAN, RIGHEIMER

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
 - c. The project is consistent with the General Plan designation of Medium Density Residential. Under this designation two dwelling units are allowed on the subject property and two dwelling units are proposed. Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, as conditioned, is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. Specifically, the project is consistent with the City's General Plan and Zoning Code, and the City's Residential Design Guidelines. The project is of a character and scale compatible with the neighborhood. The buildings incorporate multiple building planes and offsets, and elevations with stepping forms both horizontally and vertically to provide architectural interest. The second story windows are also placed so as to minimize privacy impacts and direct views into windows of adjacent residences. Approval of the condominium units will also provide additional home ownership opportunities in the City.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The approved address of individual units (A and B) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
 2. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 4. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 5. The site plan submitted with initial working drawings shall contain a notation specifying the project is a 2-unit, common interest (condominium) development.
 6. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 7. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning staff.
 8. Homeowners Association CC&Rs shall include a requirement that residents park in garages.
 9. The CC&Rs shall include a provision mandating binding arbitration in the event of any dispute between the two property owners relating to the homeowner's association.
 10. Applicant shall provide proof of establishment of a homeowner's

association prior to release of any utilities.

11. The conditions of approval, code requirements, and special district requirements of Planning Application PA-07-42 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 12. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 13. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
 14. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
- Eng.
15. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
 16. Prior to Building Plan Check submittal, the applicant shall modify the placement of Units A and B to accommodate a 4-foot wide sidewalk easement along Fullerton Avenue and a minimum 19-foot long driveway for Unit B as required by Public Services.
- Plng.
17. All elevations shall have enhanced architectural details and building materials per the direction of Planning staff.

ATTACHMENT 2

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING AN EXTENSION OF TIME FOR PLANNING APPLICATION PA-07-42

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Naldo Cabanillas of Cabanillas Threlkeld & Associates, authorized agent for property owner Jennifer Bigger, with respect to the real property located at 151 East 19th Street, requesting approval of a time extension for a design review to construct two, two-story condominium units, in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 26, 2009; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** a time extension for Planning Application PA-07-42 with respect to the property described above.

PASSED AND ADOPTED this 26th day of May 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Khanh Nguyen, Acting Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 26, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Khanh Nguyen, Acting Secretary
Costa Mesa Planning Commission

Cabanillas Threlkeld & Associates

2756 Tern Circle, Costa Mesa, CA 92626

(714) 444-2675 phone and fax

ATTACHMENT 3

December 9, 2008

TO: City of Costa Mesa
Planning Department

ATTN: Mr. Mel Lee
Project Planner

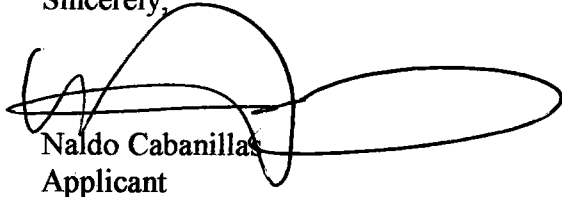
RE: Garcia Homes
Planning Application PA-07-42
Request for Extension of Approval

At its regular meeting of December 10, 2007, the Planning Commission recommended approval (5-0) of Planning Application PA-07-42 by adoption of Planning Commission Resolution PC-07-89.

Due to national economic conditions, the property owner hereby requests a one-year extension of the Planning Commission approval of the project, which is located at 151 East 19th Street in Costa Mesa.

Thank you for your consideration.

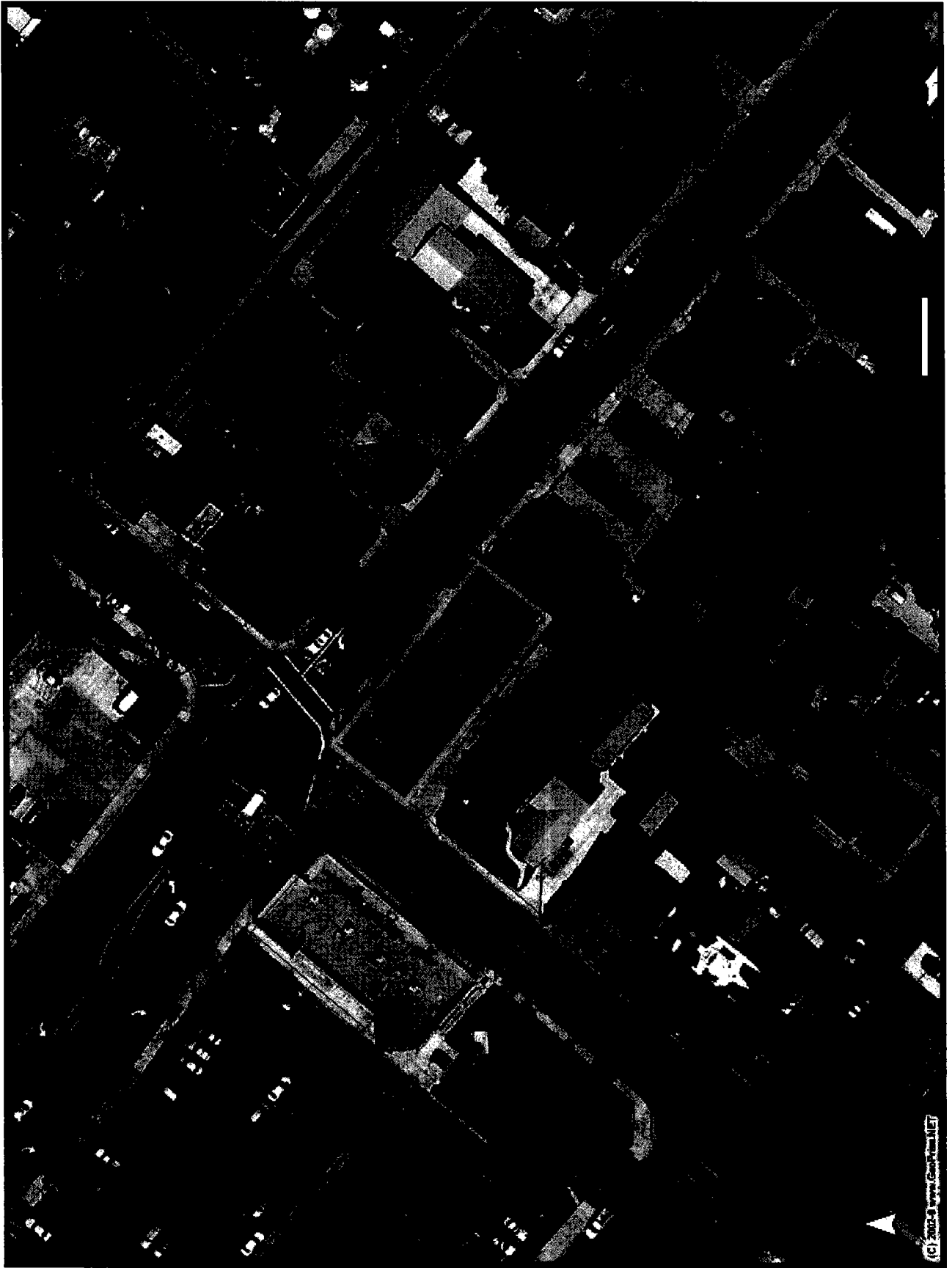
Sincerely,



Naldo Cabanillas
Applicant

ATTACHMENT 4

LOCATION MAP



Garcia Homes

ATTACHMENT 5

cabanillas, threlkeld & associates
architects, planning, engineering
3220 W. 10th Ave., Costa Mesa, CA 92626
Tel: 714-444-2075
info@cabanillas-threlkeld.com

Garcia Homes
151 East 19th Street
Costa Mesa, CA

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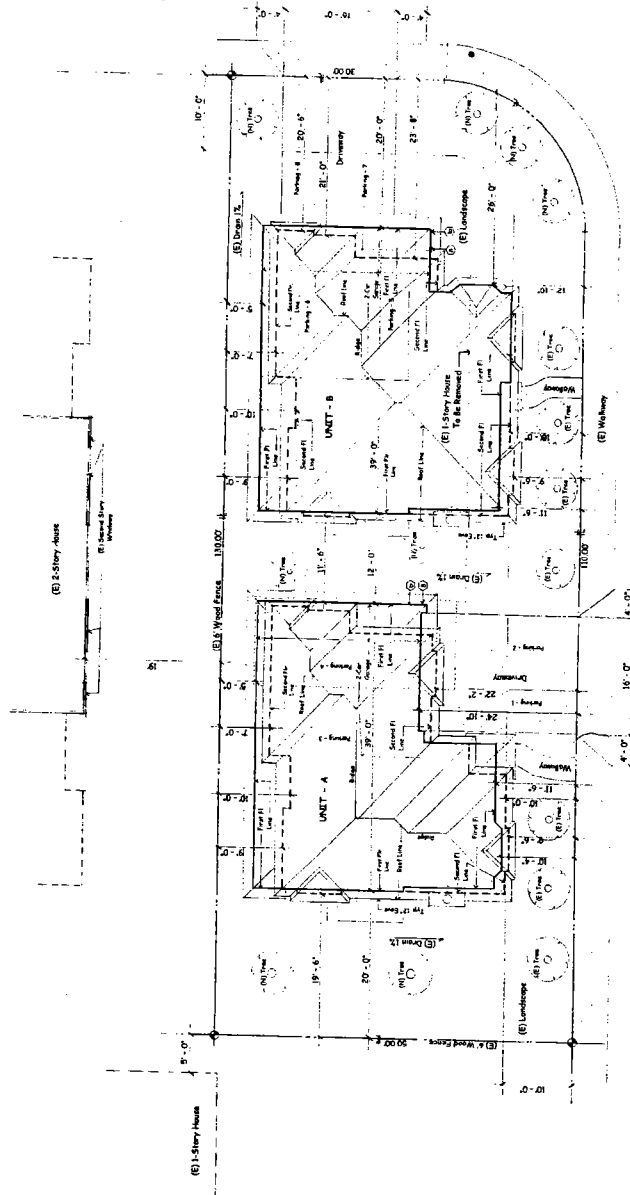
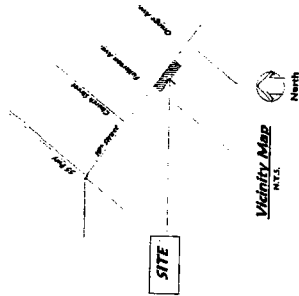


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1. SITE PLAN
2. FIRST AND SECOND FLOOR PLAN UNIT-A
3. ELEVATIONS UNIT-A
4. FIRST AND SECOND FLOOR PLAN UNIT-B
5. ELEVATIONS UNIT-B

14
PA-07.42



Site and Roof Plan Unit A

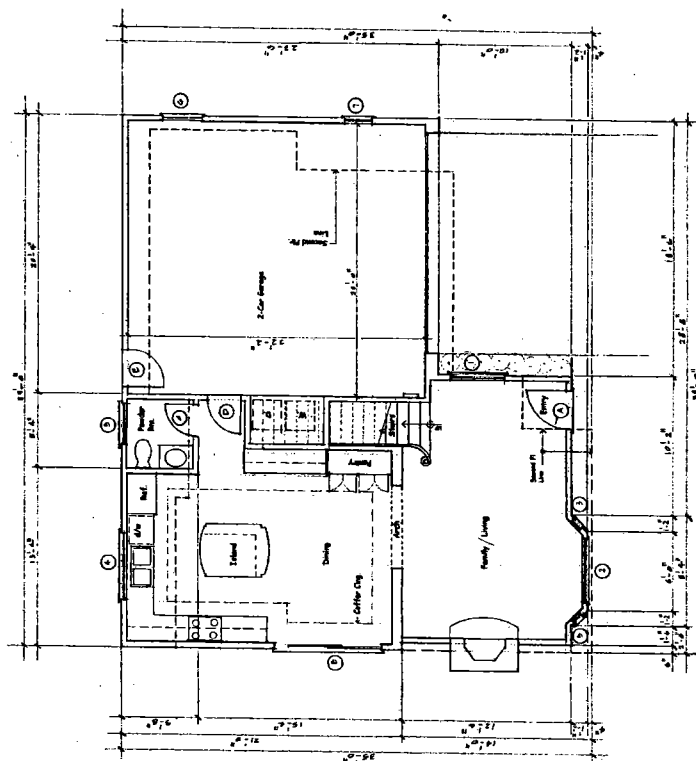
OWNER: Paul Garcia
151 East 19th Street
Costa Mesa, CA
LEGAL: AP 421-235-17
OCCUPANCY: 1D
2-Storey Building

AREAS	AREA
UNIT-A	
First Floor (Living Area)	655.30 sq. ft.
Garage	479.33 sq. ft.
Driveway	294.66 sq. ft.
Total Covered (Unit A)	1429.29 sq. ft.
Second Floor (Living Area)	977.74 sq. ft.
UNIT-B	
First Floor (Living Area)	786.43 sq. ft.
Garage	479.33 sq. ft.
Driveway	294.66 sq. ft.
Total Covered (Unit B)	1560.42 sq. ft.
Second Floor (Living Area)	1113.78 sq. ft.
TOTAL COVERED AREA	
Unit A	2406.71 sq. ft.
Unit B	2674.20 sq. ft.
TOTAL	5080.91 sq. ft.
LOT 1440 sq. ft.	
Open area provided	3248.17 sq. ft.

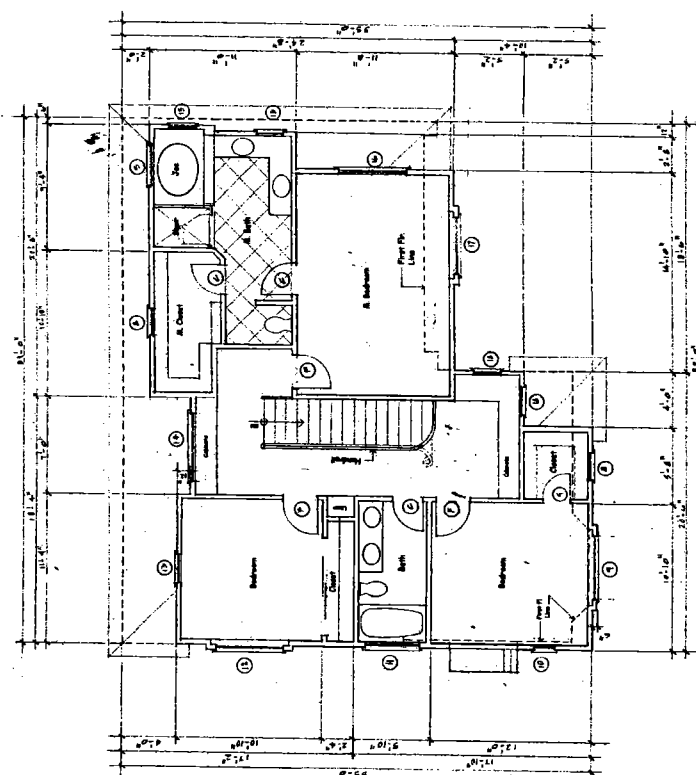
MAJOR AREAS	AREA
4 Covered Garage	
4 Parking Spaces	
4 Driveways	
4 Landscaping	

FLOOR UNIT	AREA	Ratio
Unit-A	1170.63 sq. ft.	Ratio = 80%
First Floor	977.74 sq. ft.	
Second Floor	194.89 sq. ft.	
Unit-B	1560.42 sq. ft.	Ratio = 80%
First Floor	1266.59 sq. ft.	
Second Floor	293.83 sq. ft.	

First Floor Plan (with A) 04/21/00



Second Floor Plan (1/11/11) 14'x18'0"



10001

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| 3 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
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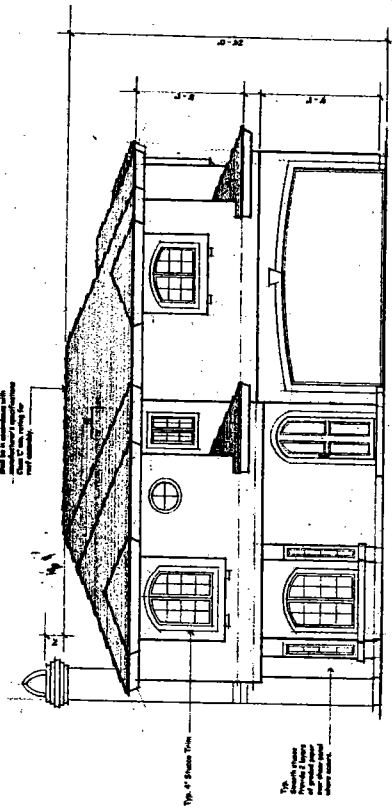
Garcia Homes
 131 East 1st Street
 Unit A B
 Costa Mesa, CA

cabanillas, threlkeld & associates
 architects, planning, engineering
 2725 Main Drive, Suite 200, CA 92626
 Tel: 714-444-2773
 info@cabanillas.com

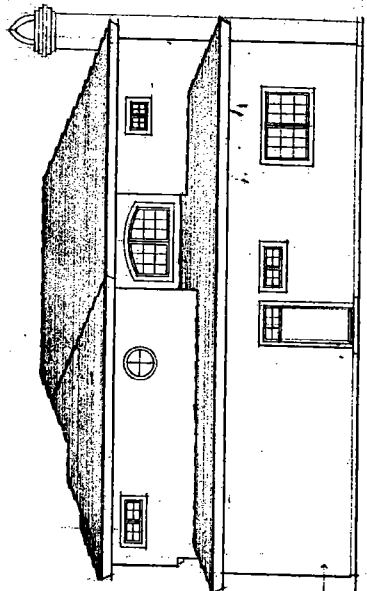
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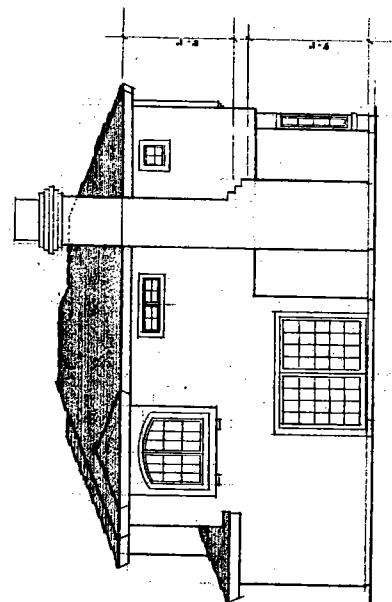
North Elevation (Unit A) 1/16-17



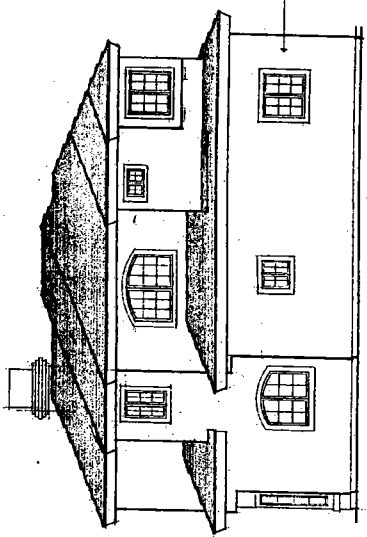
South Elevation (Unit A) 1/16-17

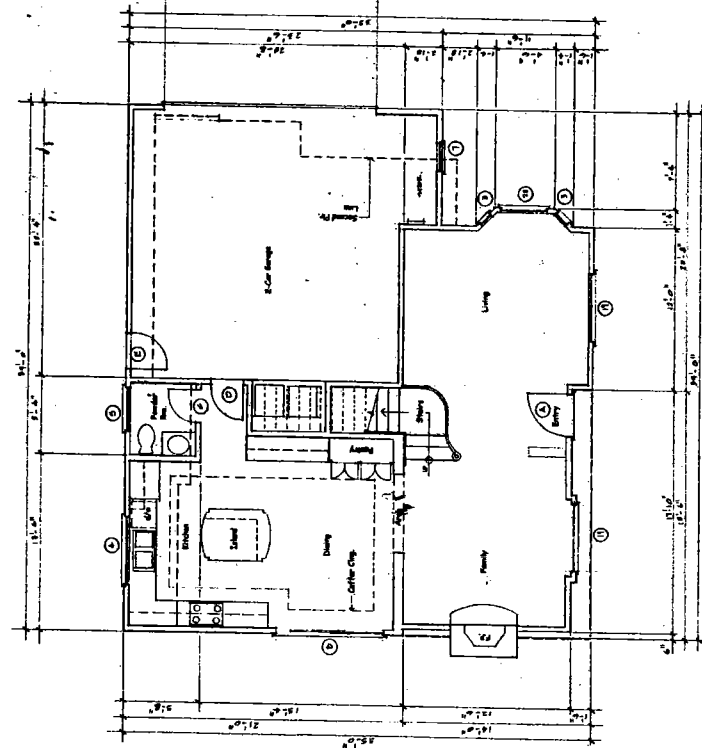


East Elevation (Unit A) 1/16-17

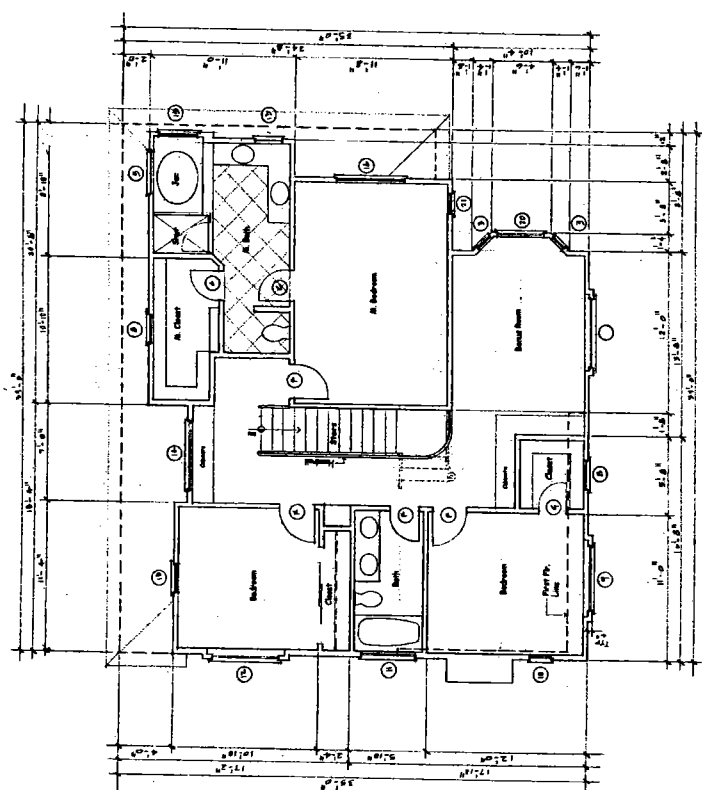


West Elevation (Unit A) 1/16-17





First Floor Plan (1978) 14-1-0



Second Floor Plan (Unit 8) 14'-2 1/2" x 10'-0"

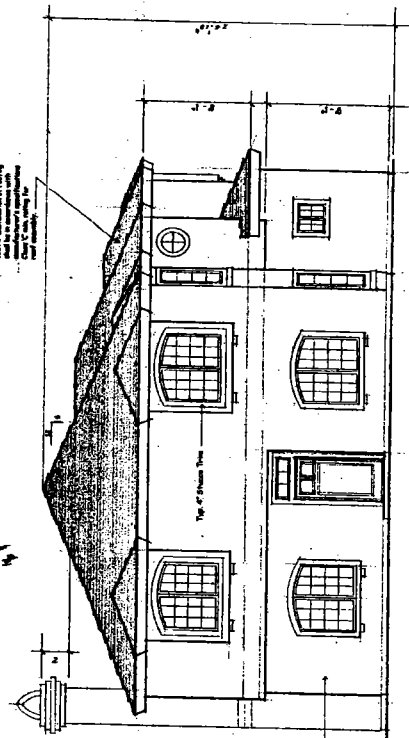
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NOTES	

Garcia Homes
 101 East 19th Street
 Suite A & B
 Costa Mesa, CA 92626
 (714) 444-2875
 info@garciahomes.com

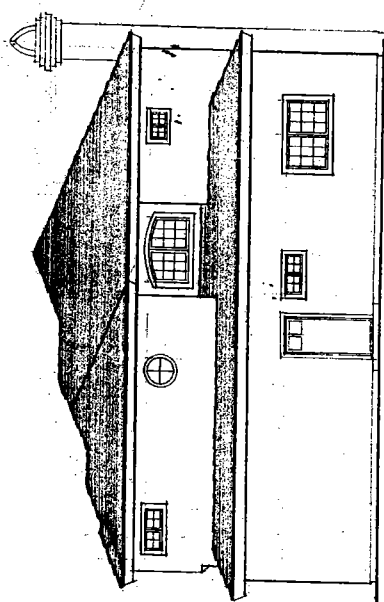
Cabanillas, Threlkeld & Associates
 Architects, Engineers, Planners
 2775 East Coast Road, Suite 100
 San Diego, CA 92108
 (619) 444-2875
 info@ctha.com

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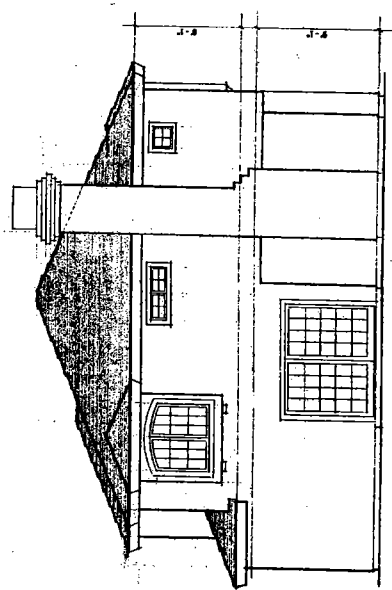
North Elevation (1/8" = 1'-0")



South Elevation (1/8" = 1'-0")



East Elevation (1/8" = 1'-0")



West Elevation (1/8" = 1'-0")

